

No. 110.

AN ACT

Relating to arbitrations.

WHEREAS, Great inconvenience and embarrassment are often experienced in the trial of suits between contractors, and laborers and workmen, employed in the construction or repairs of railroads and canals, by companies incorporated by the laws of this commonwealth, and empowered to construct such railroads and canals, and such incorporated companies, by reason of the want of power in arbitrators in actions depending before them, to compel the production of books and papers which contain evidence pertinent to the issue ; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, arbitrators shall have power in any action depending before them, between any contractors, laborers or workmen, and any company incorporated by the laws of this commonwealth, and empowered to construct, make and manage any railroad, canal, or other public internal improvement, to require either party to produce any books or writing, in their possession or power, which contain evidence pertinent to the issue ; and if such party shall fail to produce such books or writings, or to satisfy said arbitrators why the same is not in their power so to do, it shall be lawful for the said arbitrators to find an award against such party, if plaintiff, of no cause of action, if defendant, for such sum as the plaintiff, his agent or attorney, shall make oath or affirmation, is justly due, according to the best of his knowledge and belief : *Provided, That before such requirement shall be made by such arbitrators, it shall be proved to their satisfaction, on oath or affirmation, that clear and distinct notice in writing shall have been given to produce such books or writings, at least ten days previous thereto.*

Preamble.

Powers of arbitrators in certain cases specified.

Proviso.

JAMES COOPER,
Speaker of the House of Representatives.

CH. GIBBONS,
Speaker of the Senate.

APPROVED—The twenty-fourth day of February, one thousand eight hundred and forty-seven.

FRS. R. SHUNK